

Aviation-Related Legislation in the California Legislature

1. **AB 1108 (Pavley): “CEQA: Scoping Meetings: Military Areas” and SB 1468 (Knight): “General Plans: Military Facilities”:** Existing law requires: a) Cities and counties to prepare General Plans, including land use, housing, and conservation elements; b) Consistency between airport land use compatibility plans and city and county General Plans; and c) Lead agencies to have scoping meetings for projects of statewide, regional, or areawide significance.

AB 1108 would allow a lead agency to have one scoping meeting under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), if interested and affected parties were invited and provided a notice to the NEPA meeting for projects of statewide, regional, or areawide significance. The bill is sponsored by the U.S. Navy, and would require the lead agency to notify the *military service when a proposed project is within a low-level flight path, military impact zone, or special use airspace boundaries, and the project would be subject to airport land use law. A project’s impact on military activities would not constitute an adverse impact on the environment.* AB 1108 is on *the Governor’s desk*.

SB 1468 would state the Legislature’s intent is the protection of the military installations and airspace is in the public interest. The bill would require the next revision to the General Plan’s land use element to consider the impact of new growth on military readiness activities, when proposing zoning ordinances, or designating land use covered by the General Plan. The Plan’s conservation element would consider the effect of civilian development on natural resources located on military installations, and provide a buffer to the military installation. The State would enter into an agreement with the Department of Defense or other federal agency to use federal funds to reimburse any city or county claims of state mandated local costs due to the legislation. *Cities and counties would address military impacts provided by the military.* The Governor’s Office of Planning and Research would be required to prepare a handbook, if federal funds are available, to advise local governments, planners, and developers to reduce land use conflicts between civilian land uses and military *airports and ports, readiness activities* and operations. In each county without an airport land use commission, and which has a military airport, the General Plan shall be consistent with the safety and noise standards for the Air Installation Compatible Use Zone (AICUZ) prepared for that military airport. Each ALUC with a military airport in its jurisdiction would be required to prepare an airport land use compatibility plan for that military airport, to also be consistent with the safety and noise standards for the AICUZ prepared for that military airport. Federal funds would not be available to ALUCs for this function. SB 1468 is on *the Governor’s desk*.

2. **AB 1436 (Correa): “Military Base Reuse: Orange County”:** AB 1436 would prohibit the annexation of any inhabited property on El Toro to any city, until El Toro has been transferred to the local redevelopment authority recognized pursuant to California statute. AB 1436 *failed to pass the Legislature by the August 31, 2002 deadline.*
3. **AB 2095 (Kehoe) and SB 1703 (Peace): “San Diego Regional Agency”:** AB 2095 would create this Agency, which would replace the San Diego Association of Governments (SANDAG) as the metropolitan planning organization/regional transportation planning agency for the region. *SB 1703 declares the Legislature’s intent to create a “consolidated agency” in San Diego. SB 1703 is primarily concerned with combining SANDAG and ground transit agencies. AB 2095 and SB 1703 provide that neither agency would have authority over local land use decisions affecting zoning or permitting of public or private development projects.*

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AB 2095 would: a) Include coordination of surface transportation in the border area with Mexico; b) Express the Legislature's intent that financial support for the activities of the Agency will be made available by the federal, state, and local sources normally available for transportation; c) Specify the Agency as consisting of 20 members from designated areas in San Diego County, with the City of San Diego having two members, and is intended "to resolve transportation problems and meet the challenges of continued population growth in the San Diego Region"; d) Require the Agency to report to the Legislature every two years; and e) Voter approval in the County of San Diego would be required to create the Agency. *AB 2095 failed to pass the Legislature by the August 31, 2002 deadline. SB 1703 is on the Governor's desk.*

4. **AB 2304 (Wyman): "Income and Bank and Corporation Taxes: Credit: Aviation Wages":** This bill would provide, a tax credit of up to \$10,000 annually, for wages paid by a taxpayer and earned under contract or subcontract executed on or after January 1, 2003 and before January 1, 2013, with the "Department of Defense, a branch of the military, the National Aeronautics and Space Administration, or a private commercial or general aviation company, to research, develop, manufacture, test, distribute, or refurbish property for use in aircraft". This bill would take effect immediately as a tax levy. *AB 2304 failed to pass the Legislature by the August 31, 2002 deadline.*
5. **AB 2333 (Nakano): "Transportation: Funding":** This bill cites the Legislature's intent to provide for economic development and job growth, as well as mitigating the impact of noise, air quality, and traffic congestion among the region's airports. It would provide for a "fair *share* distribution" of the burdens of *commercial aviation* among *all* the Southern California Association of Governments (SCAG) counties *as a guiding policy*. SCAG would provide that the principles of environmental justice are considered in the development of the RTP's Aviation Program. *AB 2333 is on the Governor's desk.*
6. **AB 2439 (Campbell): "Airports: Land Use":** This bill would require an airport land use commission to review "any related comprehensive land use plan" within two years from the date the real property containing the former military airport is transferred to new ownership. *AB 2439 failed to pass the Legislature by the August 31, 2002 deadline.*
7. **AB 2522 (Dutra): "California Highway Patrol (CHP): Transportation System":** The bill cites the November 20, 2001 security and safety hearing of the Assembly Transportation Committee. AB 2522 requires the California Highway Patrol, in cooperation with the Office of Emergency Services (OES) and other government agencies, to perform an overview of any risk that may exist in the state's transportation system (i.e., within the scope of the responsibilities of the CHP), and to submit the confidential report to the Legislature by January 1, 2003. The assessment would identify security deficiencies and mitigation measures. The bill *takes* effect immediately as an urgency statute. *AB 2522 is Chapter 243 of the Statutes of 2002.*
8. **AB 2630 (Cogdill): "Airport Security: Airport Improvement Grants":** *Similar to SB 1533, this bill would, upon allocation by the CTC, allow the Department to pay, until December 31, 2006, the full 10 percent of the local match to an AIP grant for a "small general aviation airport's" security project. For purposes of the bill, a "small general aviation airport" has fewer than 80,000 annual operations. This bill would take effect immediately, if signed by the Governor. AB 2630 is on the Governor's desk.*

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9. **AB 2719 (Maldonado): “Aeronautics”:** Under existing law: a) The California Transportation Commission (CTC) is required to submit an annual report to the Legislature; and b) The sales tax on jet fuel generates over \$100 million in revenues annually for the State’s General Fund. The Legislature’s intent is to implement, upon appropriation of funds in the annual Budget Act, certain recommendations of the CTC’s 2001 Annual Report to the Legislature relating to airport security. *AB 2719 failed to pass the Legislature by the August 31, 2002 deadline.*
10. **AB 2776 (Simitian): “Airport Noise: Disclosure Notice”:** The Legislature finds that current mechanisms are inadequate for providing notice to homebuyers of the proximity of airports to the property they are purchasing. Existing law provides that: a) Any person offering for sale or lease subdivided land must provide, among other things, notice of an airport; and b) An airport is not a nuisance. This bill specifies that a new notice would be added, “Notice of Airport in Vicinity”, *to the Natural Hazard Disclosure Report and other documents*, when property is within an airport influence area:

“This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (noise, vibration, or odors for example). Individual sensitivities to such annoyances can vary from person to person. You may wish to consider what airport annoyances effects related to aircraft operations, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

The bill would define an airport influence area, and an airport referral area, as determined by an airport land use commission. The notice of an airport influence area would not constitute a title defect, lien, or encumbrance. AB 2776 would become operative on January 1, 2004. The Department is cooperating with the author’s office and the real estate industry. AB 2776 is sponsored by the San Carlos Pilots Association. *The bill is on the Governor’s desk.*
11. **AB 2815 (Simitian): “Airport Ground Transportation”:** The bill states that it is the intent of the Legislature, in subsequent legislation, to require drivers and owners of ground transportation carriers at airports to be licensed by the Public Utilities Commission, and be subject to public safety background checks. The PUC would cooperate with the federal Transportation Security Administration. *AB 2815 failed to pass the Legislature by the August 31, 2002 deadline.*
12. **AB 2897 (Wiggins) and SB 1510 (Knight): “Sales and Use Taxes on Fuel: Exemptions: Air Common Carriers”:** These bills would reduce the sales taxes on air carriers’ purchase of aircraft jet fuel. AB 2897 would exempt the sales amount above \$.50 per gallon from the sales tax on jet fuel. In AB 2897, the Legislative Analyst’s Office would be required to report, by April 1, 2005, on the effect of the exemption on aircraft jet fuel sales, and whether they had an economic impact on California. The bill would sunset on January 1, 2006, unless the exemption were extended. SB 1510 would exempt from the sales tax on jet fuel the amount sold for use beyond the first out-of-state destination by an air carrier. These bills would take effect immediately as tax levies. *AB 2897 and SB 1510 failed to pass the Legislature by the August 31, 2002 deadline.*

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13. **AB 3026 (Dutra): “Omnibus Transportation Bill”:** This bill would change the term “comprehensive land use plan” in the Public Resources and Utilities Codes to “airport land use compatibility plan”. *AB 3026 is on the Governor’s desk.*
14. **ACR 119 and ACR 120 (Runner): “Aerospace Highway” and “Aerospace Valley Monument”:** These resolutions dedicate a portion of State Highway 14 to State Highway 395 near Edwards Air Force Base as the “Aerospace Highway” and establishes a monument and plaque in that area, in recognition of the major accomplishments of aviators in the region. ACR 120 recognizes the contributions of: a) NASA Dryden Air Force Rocket Propulsion Laboratory; and b) Air Force Plant 42 in air and space vehicles. ACR 119 and ACR 120 are Resolution Chapters 83 and 84 of 2002, respectively.
15. **AJR 31 (Thomson): “Terrorism Funding”:** This resolution requests Congress and the President to enact legislation to provide funds to state and local governments for increased security measures since September 11, 2001. AJR 31 is Resolution Chapter 61 of 2002.
16. **AJR 39 (Alquist), AJR 40 (Diaz), and SJR 41 (Speier): “Airport Security Screeners”:** AJR 39 cites that screeners at airports in the Bay Area are mostly of Filipino descent. AJR 39 memorializes the Congress and the President to: a) Suspend or eliminate the requirement that security screeners be U.S. citizens, and instead provide that screeners should meet the same immigration requirement as persons that serve in the National Guard; and b) Screeners that have applied for citizenship should be allowed to retain their jobs. AJR 40 cites the Legislature’s strong support of two Congressional bills, H.R. 3416 and H.R. 3503, which would assist noncitizen airport security screeners to become U.S. citizens. AJR 40 would also provide assistance to these screeners through extended unemployment benefits, job retraining programs, and naturalization assistance if the noncitizen requirement in the federal law is not repealed. SJR 41 supports S. 1289 or H.R. 3505 to provide for transitional employment for qualified lawful permanent resident alien airport security screeners until their naturalization processes are completed. *AJR 39 is Resolution Chapter 148 of the Statutes of 2002. SJR 41 passed the Legislature. AJR 40 failed to pass the Legislature by the August 31, 2002 deadline.*
17. **SB 865 (Polanco): “California-Mexico Border Infrastructure Financing Authority”:** Population growth along the California and Mexico border will lead to “escalating infrastructure deficits” by 2020, including airports. This bill would create the above authority, which would be required to issue revenue bonds for construction of infrastructure. Projects would be revenue-generating, such as air cargo facilities. *The bill failed to pass the Legislature by the August 31, 2002 deadline.*
18. **SB 1053 (Knight): “Centennial of Flight Program”:** Under existing law, the California Department of Education (CDE) is required to assist school districts in developing an aviation education program. SB 1053 would emphasize, in that aviation education program, materials to commemorate the 100th anniversary of the Wright Brothers’ first flight. CDE would be encouraged to use resources from the National Aeronautics and Space Administration and the U.S. Centennial of Flight Commission. School districts are encouraged to integrate aviation into mathematics, science, social studies, and vocational training, and to work with NASA centers in California. There has been no activity on this bill in 2002. *The bill failed to pass the Legislature by the August 31, 2002 deadline.*

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19. **SB 1243 (Torlakson): “Metropolitan Transportation Commission (MTC): ABAG”:** The bill *would create the Regional Growth Council within MTC*, which would, by January 1, 2004, assume the statutory land use functions of the Association of Bay Area Governments. *The Council would have no authority over local land use.* By January 1, 2005, and every six years thereafter, the *Council* would develop a long-range growth policy plan for the region. By the same date, the new Commission would prepare and present to the Legislature a blueprint for combining the two agencies. *SB 1243 failed to pass the Legislature by the August 31, 2002 deadline.*
20. **SB 1279 (Murray): “Bond Act: Antiterrorism Safety”:** This bill would provide \$2 billion through a bond act, for (among others) airport and airspace "security improvements and enhancements" (amount is unknown). The bill states that "'Seaport or airport agency' means a port serving a large metropolitan area". If enacted, the bill would go into effect immediately for the preservation of public health and safety, to be scheduled for the next statewide general election. *SB 1279 failed to pass the Legislature by the August 31, 2002 deadline.*
21. **SB 1533 (Poochigian): “Airport Security Grants”:** This bill would allow the Department, *until December 31, 2006*, upon allocation by the California Transportation Commission, to *pay an amount equal to the 10 percent local match* to publicly owned airports with less than 100,000 annual aircraft landings and takeoffs, for federal security grants funded by the federal Airport Improvement Program. The Department has been working with the author on this bill. *SB 1533 would take effect immediately as an urgency statute. Please refer to AB 2630. SB 1533 failed to pass the Legislature by the August 31, 2002 deadline.*
22. **SB 1857 (Murray): “Public Works and Transportation”:** *This bill would, among other provisions, combine elements of AB 3026 and SB 1468. SB 1857 would require airport land use commissions to prepare airport land use compatibility plans for military airports in their jurisdiction, to be consistent with the safety and noise standards for the Airport Installation Compatible Use Zone (AICUZ) prepared for that military airport. The bill would create a state-mandated local program. SB 1857 passed the Legislature after AB 3026 and SB 1468, and is on the Governor’s desk.*
23. **SB 1896 (Peace): “San Diego County Regional Airport Authority”:** Governor Davis requested the authors of AB 93, Chapter 946 of the Statutes of 2001, to submit clean-up legislation to resolve concerns about AB 93. This bill removes the previous mandate that all state and federal grants for all airports in San Diego County pass through the Airport Authority. SB 1896 requires the Authority to develop a plan to evaluate sites for a regional airport for the County. The Airport Authority would be required to submit an airport site recommendation to the voters of San Diego County in the November 2, 2004 *or November 7, 2006* election. *Both the Port and Authority would act as joint lead agencies for purposes of CEQA until the transition is completed. The noise variance issued by the Department would be transferred to the Authority. The Executive Committee would not have control over airport operations.* SB 1896 also specifies that the FAA would make a determination that the Airport Authority is an eligible airport sponsor. No other public agency would be allowed to significantly expand activities, including increased capacity, unless it is approved by the Authority to be consistent to its Regional Air Transportation Plan. The Port of San Diego would retain control of the San Diego Harbor Police Department, which will provide exclusive security services to the San Diego International Airport as long as it remains at Lindbergh Field. *If the bill becomes law and a section is found to be*

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invalid, other provisions of the bill would remain in effect. No employee would lose employment or a reduction in wages as a result of this law. Claims for any state-mandated local program costs would be determined by the Commission on State Mandates. The bill would take effect immediately as an urgency statute. *SB 1896 is on the Governor's desk.*

24. **SCR 70 (Knight): “Aviation Maintenance Technician Day”:** This resolution recognizes the achievements of Charles Taylor in developing the first engine for the Wright brothers’ historic December 17, 1903 flight. Mr. Taylor’s birthday of May 24, 2002, and every May 24th in each following year, will be declared “Aviation Maintenance Technician Day” in California. SCR 70 is Resolution Chapter 52 of 2002.
25. **SJR 17 (Vincent): “Federal Interstate Highways: International Airports: Schools”:** SJR 17 stated that airports and freeways have a “significant detrimental impact on adjacent schools”; the resolution suggests that billboard revenue could offset the detrimental impacts. The resolution urges Congress and the President to establish a “Federal Transportation Impact Assistance Program” for schools located within two miles of an international airport, or adjacent to federal-aid highways. The resolution *failed to pass the Legislature by the August 31, 2002 deadline.*
26. **SJR 24 (Knight): Military Base Closures”:** The author states that additional military bases will close in 2003 and 2005. This resolution would advocate the continued existence of military bases in California through the next round of base closures. SJR 24 *failed to pass the Legislature by the August 31, 2002 deadline.*